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TOWNSEND and TOWNSEND and CREW LLP

By: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Maria C. Estacio et al.

Application No.: 09/548,946

Filed: April 13, 2000

For: FLIP CHIP ATTACH AND
COPPER CLIP ATTACH ON MOSFET
DEVICE

Examiner: N. Parekh

Art Unit: 2811

**DECLARATION UNDER
37 C.F.R. § 1.131**

Sir:

We, Maria C. Estacio and Maria Clemens Y. Quinones, each declare as follows:

1. I am a co-inventor of the claimed inventions in the referenced patent application including pending claims 5-9 in the present application, and am an employee of Fairchild Semiconductor, Inc., the assignee of the present application.
2. I have reviewed the Office Action mailed on February 18, 2003, and the obviousness rejection of claims 5-6 based on U.S. Patent No. 6,459,147 to Crowley et al. U.S. Patent No. 6,459,147 has a U.S. filing date of March 27, 2000.

Maria C. Estacio, et al.
Application No.: 09/548,946
Page 2

PATENT

3. Prior to March 27, 2000, the inventions of the pending claims were conceived of and reduced to practice. Evidence of conception is shown by the attached documents in Exhibit A, which includes a letter (with blocked out dates) and part of an invention disclosure form describing the invention (also with blocked out dates). As shown by the invention disclosure, especially FIGURE 1 with steps 1-3, each limitation in pending claims 5-9 is described therein. The letter and invention disclosure form existed before March 27, 2000. Reduction to practice of the inventions of the pending claims is evidenced by the documents in Exhibit B, which include e-mail communications from co-inventor Maria Cristina Estacio. As evidence of reduction to practice, one e-mail communication confirms "[w]e have made some actual [cross sections] on the units and the actual parts do not meet as per dimensional requirement." (See page 1). The units and actual parts described in Exhibit B correspond to the invention that is shown in Exhibit A and were being optimized as shown in Exhibit B. The documents in Exhibit B were originally created before March 27, 2000 and show that an embodiment of the invention of claims 5-9 was reduced to practice before March 27, 2000.
4. As shown by Exhibits A and B, I believe that an embodiment of at least pending claims 5-9 was reduced to practice prior to March 27, 2000, the filing date for U.S. Patent No. 6,459,147.
5. The inventions of at least the pending claims were reduced to practice in a World Trade Organization (WTO) country, and the acts relied on in this Declaration (and described in the Exhibits) took place in a WTO country, prior to March 27, 2000.

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Maria C. Estacio, et al.
Application No.: 09/548,946
Page 3

PATENT

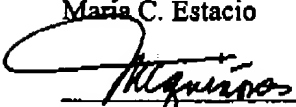
OFFICIAL

6. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.



Maria C. Estacio

Date



Maria C. Quinones

Date

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